

**Notice of Allowability**

Application No.

10/768,935

Applicant(s)

SCHAEFER ET AL.

Examiner

Art Unit

Stephen A. Holzen

3644

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response dated 10/16/2006.
2. ☒ The allowed claim(s) is/are 1-5,8,11-19 and 25-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                            |                                                                                       |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|                                                                                                            | 9. <input type="checkbox"/> Other _____                                               |

### DETAILED ACTION

1. Claims 1-8 and 11-36 are pending
2. Claims 6, 7, 20-24 are withdrawn
3. Claims 1-5, 8, 11-19, 25-36 are allowable.

### EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

This application is in condition for allowance except for the presence of claims 20-24 directed to an invention non-elected without traverse. **Accordingly, claims 20-24 have been cancelled.**

**Claim 1, line 5:** The phrase "a support frame" is changed to "a first frame support frame"

**Claim 1, line 7:** The phrase "a support frame" is changed to "a first frame support frame"

**Claim 1, line 8:** The phrase "a support frame" is changed to "a first frame support frame"

**Claim 1, line 9:** The phrase "a support frame" is changed to "a first frame support frame"

**Claim 11, line 2:** The phrase “a support frame” is changed to “a first frame support frame”

**Claim 16, line 4:** The phrase “a support frame” is changed to “a first frame support frame”

**Claim 16, line 5:** The phrase “a support frame” is changed to “a first frame support frame”

**Claim 16, line 22:** The phrase “a support frame” is changed to “a first frame support frame”

**Claim 18, line 2:** The phrase “a support frame” is changed to “a first frame support frame”

5. Claims 6 and 7 are directed to an allowable invention. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 6 and 7 previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 11/15/2007 (to claims 6 and 7 only) is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the

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instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Allowable Subject Matter***

6. Claims 1-8, 11-19, and 25-36 are allowed.
7. The following is an examiner's statement of reasons for allowance:

**Re – Claim 1:** the prior art does not disclose a first frame member having a support frame with two telescoping frame members and at least one dolly configured to support the support frame in combination with the other element that hoists an overhead module within an aircraft.

**Re – Claim 16:** the prior art does not disclose a support frame dolly, a second frame, two rails, a plurality of cars in combination with an overhead support frame in an aircraft to live a module for installation into in the aircraft.

**Re – Claim 25:** the prior art does not disclose a hosing module having a first frame that can fit through an aircraft door, a lifting device that is positioned within an aircraft and is configured to lift an overhead module from the desk within the aircraft to an overhead location.

**Re – Claim 35:** The prior art does not disclose a hoisting module that attaches to one or more overhead support frames in an aircraft having a first frame, a lifting device a second frame, and a plurality of attachment devices configured to attached the second

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frame to an overhead support frame in an aircraft where by the second frame is lifted by the driving device to hoist the module for installation in the aircraft.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Stephen A Holzen/

Patent Examiner

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